

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Reena R. Desai on 1/09/08. In the interview it was discussed the following changes to overcome the art of record and expedite the application to issue. No fee is believed due since the following examiners amendment which places the application in condition for allowance was agreed to on 1/09/08.

Claims 1-10, 15-18, 23, 64-71 are directed to an allowable product (in view of the examiners amendment below). Pursuant to the procedures set forth in MPEP § 821.04(B), claims 19, 24-63, and 72, directed to the process of using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and have been fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined or canceled, **the restriction requirement as set forth in the Office action mailed on 6/09/06 (directed to Groups I and II) is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the

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rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

The application has been amended as follows:

Claim 1. A compound ~~[[8]]~~ 12 to 80 nucleobases in length targeted to at least an 8 nucleobase portion of nucleotides ~~400 to 511~~ 401 to 460 of SEQ ID NO: 4 encoding diacylglycerol acyltransferase 1, wherein ~~said compound specifically hybridizes with said nucleobase portion and inhibits the expression of diacylglycerol acyltransferase 1~~ said compound is at least 95% complementary to SEQ ID NO:4.

Claims 11-14, 20-22 have been canceled

Claim 39. A method of ~~preventing or~~ delaying the onset of a disease or condition associated with diacylglycerol acyltransferase 1 in an animal comprising

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administering to said animal a therapeutically or prophylactically effective amount of the compound of claim 1.

Claim 55. A method of reducing ~~DGAT1~~ diacylglycerol acyltransferase 1 levels in the liver of an animal comprising contacting said animal with the compound of claim 1.

Claim 64. The compound of claim 1 wherein the compound comprises at least and 8 nucleobase portion of SEQ ID NO: 31, 32, or 33 ~~or~~ 34.

Claim 65. The compound of claim 1, wherein the compound consists of SEQ ID NO: 31, 32, or 33 ~~or~~ 34.

Claim 67(New). The compound of claim 64, wherein the oligonucleotide comprises:

- a gap segment consisting of linked deoxynucleosides;

- a 5' wing segment consisting of linked nucleosides;

- a 3' wing segment consisting of linked nucleosides;

wherein the gap segment is positioned between the 5' wing segment and the 3' wing segment and wherein each nucleoside of each wing segment comprises a modified sugar.

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Claim 68(New). The compound of claim 67, wherein the oligonucleotide comprises:

- a gap segment consisting of ten linked deoxynucleosides;

- a 5' wing segment consisting of five linked nucleosides;

- a 3' wing segment consisting of five linked nucleosides;

wherein the gap segment is positioned between the 5' wing segment and the 3' wing segment, wherein each nucleoside of each wing segment comprises a 2'-O-methoxyethyl sugar; and wherein each internucleoside linkage is a phosphorothioate linkage.

Claim 69(New). A compound comprising an oligonucleotide consisting of the nucleobase sequence of SEQ ID NO: 33, wherein the oligonucleotide comprises:

- a gap segment consisting of linked deoxynucleosides;

- a 5' wing segment consisting of linked nucleosides;

- a 3' wing segment consisting of linked nucleosides;

wherein the gap segment is positioned between the 5' wing segment and the 3' wing segment and wherein each nucleoside of each wing segment comprises a modified sugar.

Claim 70 (New). The compound of claim 69, wherein the oligonucleotide comprises:

- a gap segment consisting of ten linked deoxynucleosides;

- a 5' wing segment consisting of five linked nucleosides;

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a 3' wing segment consisting of five linked nucleosides;
wherein the gap segment is positioned between the 5' wing segment and the 3' wing segment, wherein each nucleoside of each wing segment comprises a 2'-O-methoxyethyl sugar; and wherein each internucleoside linkage is a phosphorothioate linkage.

Claim 71(New). A composition comprising an oligonucleotide consisting of 12 to 80 linked nucleosides and having a nucleobase sequence comprising at least 8 contiguous nucleobases of the nucleobase sequence recited in SEQ ID NO: 33 or a salt thereof and a pharmaceutically acceptable carrier or diluents.

Claim 72 (new). A method of inhibiting the expression of diacylglycerol acyltransferase 1 in a human comprising administering to said human the composition of claim 69.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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